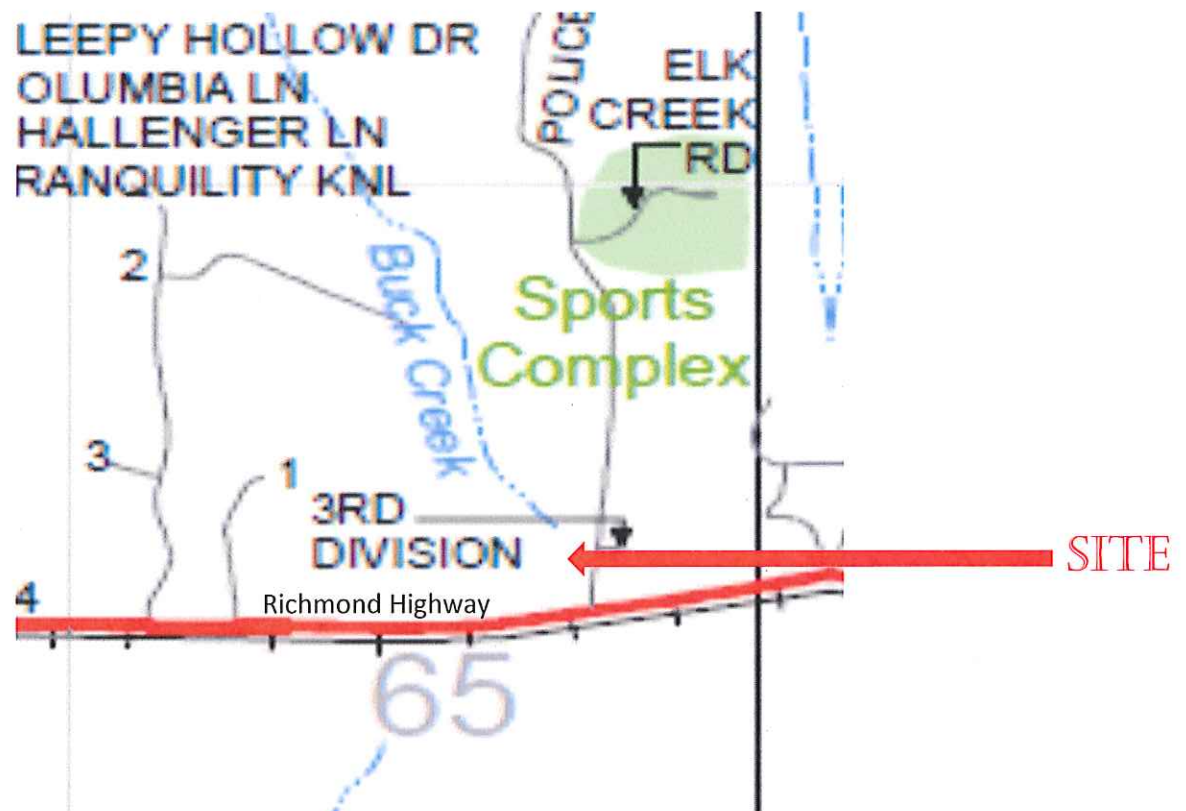


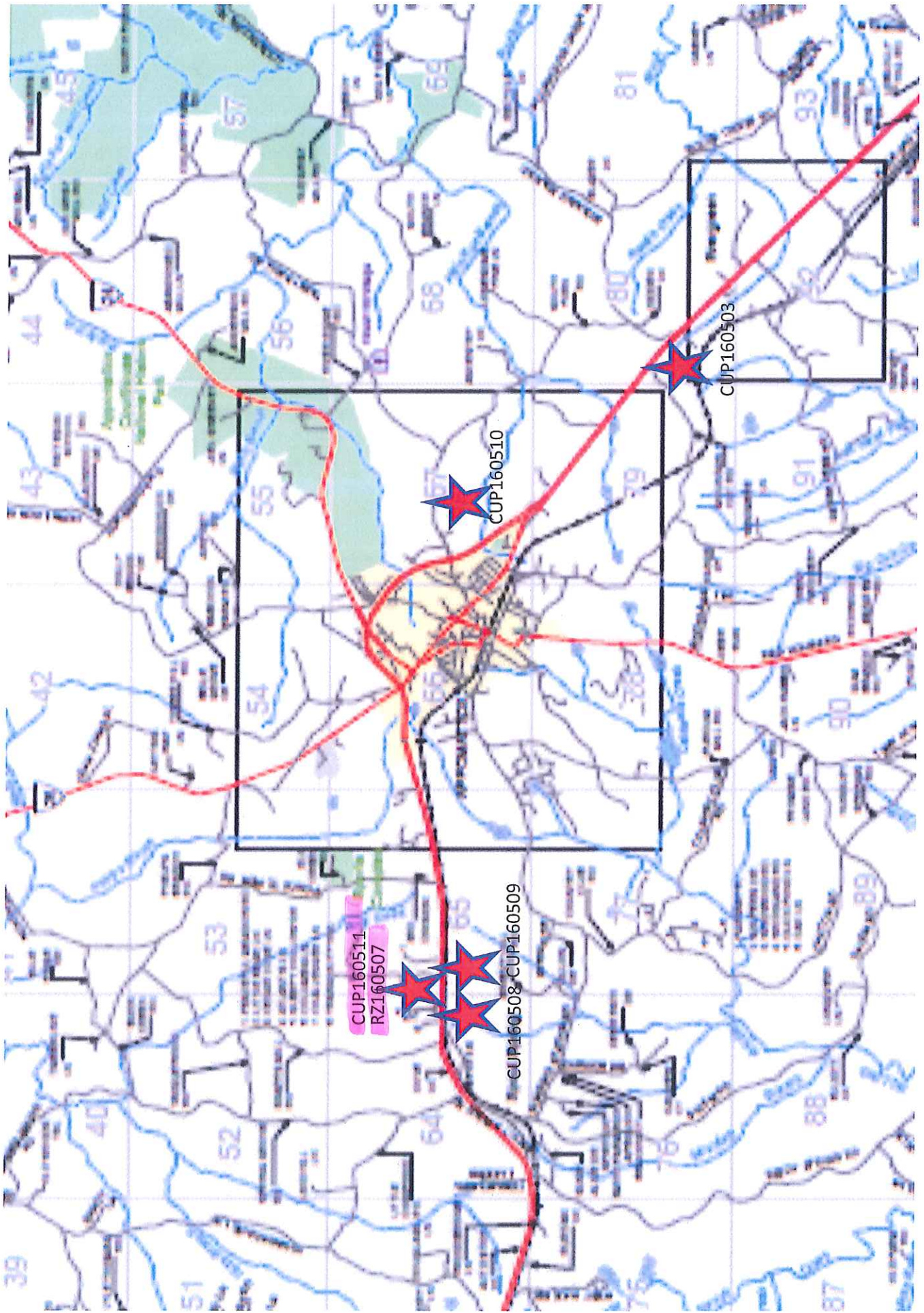


Appomattox County VIRGINIA


BOARD OF SUPERVISORS MEETING FOR OCTOBER 17, 2016



RZ16-0507/CUP 16-0511
LAWSON FAMILY LLC
INNOVATIO SEALING TECHNOLOGIES



**County of Appomattox
Department of Community Development
Staff Report**

To: Board of Supervisors
From: Johnnie Roark 
Director of Community Development
Date: October 17, 2016
RE: Rezoning (RZ16-0507) and Conditional Use Permit Application (CUP16-0511)-
Lawson Family LLC (Innovatio Sealing Technologies)

SYNOPSIS

Innovatio Sealing Technologies is requesting to rezone property and obtain a conditional use permit to operate a used car sales facility (automotive sales and service) by right and continue the auto gasket and seal facility currently operating (industrial manufacturing) on property located at 199 Police Tower Road in Appomattox. The rezoning is necessary to allow the new use and the existing use to continue on the property without being impeded by the non-conforming use regulations in the zoning ordinance (§19.6-58 through 65)

Specifics

Applicant:	Jason Brown/Keith Mann (Innovatio Sealing Technology)
Property Owner:	Lawson Family LLC
Current Use:	Industrial
Proposed Use:	add auto sales lot
Surrounding Uses:	Commercial, Educational, Public Institution
Parcel Size:	Approximately 6 acres
Zoning:	M-1, Industrial
Surrounding Zoning:	M-1, B-1, A-1
Tax Map Number(s):	63 (A) 11

ANALYSIS

The property is located in a commercial/industrial node located at the intersection of Police Tower Road and Richmond Highway. This area has been home to garment manufacturing to small machine shop manufacturing over the past three decades. Currently the adjoining uses are a flea market, a private secondary school, a public institution (state police headquarters), and a used car sales lot. The private school parcel was rezoned from M-1 to B-1 in 2007. The large parcel east of Police Tower Road owned by Courtland Realty was rezoned from A-1/R-1 to B-1 in 2009 in anticipation of commercial development (land in front of the Moose Lodge). At the time of the garment factories, this collective corner provided hundreds of jobs for local citizens.

The proposed rezoning would permit by right the used car sales on the property. The conditional use permit would allow the auto gasket and seal operation that currently is permitted in the M-1 to continue on the property. Without the CUP, the gasket and seal operation could be considered

a non-conforming use; however this limits future growth, expansion of the building, etc. The CUP avenue allows this business the opportunity to grow without limitations.

The surrounding zoning and land uses both encourage this type of development. The comprehensive plan also encourages this type of development; as this property is within the Richmond Highway West Commerce Corridor.

PROJECT IMPACTS

As this property has continuously been operating in some form as an industrial property for many years, the impacts of this change would be negligible. The building would be segmented to allow for the gasket and seal business to continue to use the north east portion of the building, while the auto sales would use the remainder of the building and some of the outside parking area would be converted to a display lot. The office area would be a common area shared by the two businesses.

The existing site contains adequate parking for employees and customers.

The site is located in the Richmond Highway West Commerce Corridor which is designated for commercial growth. The location is supported by the Comprehensive Plan through the Growth Management and Economic Development sections.

The latest available traffic counts for this segment of roadway are 490 vpd on Police Tower Road and 17,000 vpd on Richmond Highway. The change in zoning is not anticipated to significantly impact traffic.

VDOT has reviewed the petition and no changes are needed.

When considering an amendment to the zoning classification, the Board should consider the need for the change; the appropriateness of the change, the relationship of the change to the general planning of the community and the conformity of the change to the guidelines and policies contained in the comprehensive plan.

Planning Considerations

The Appomattox County Zoning Ordinance lists the following standards by which a conditional use should be evaluated.

1. Will be harmonious with and in accordance with the general objectives or with any specific objective of Appomattox Comprehensive Plan and/or this chapter.
This use appears to be in line with the general objectives of the Comp Plan.
2. Will be designed, operated and maintained so as to be harmonious and appropriate with the existing or intended character of the general vicinity; and that such use will not change the essential character of the same area.
The proposed use is being designed to mitigate any impact to the greatest extent.
3. Will not be hazardous or disturbing to existing or future neighborhood uses.
The proposed use will not be hazardous to the existing neighborhood.

4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

The impact on public facilities is negligible.

5. Will not create excessive additional requirements at public costs for public facilities and services; and will not be detrimental to the economic welfare of the community.

Use will not negatively impact public facilities or services.

6. Will have vehicular approaches to the property which shall be so designed so as not to create any interference with traffic on surrounding public streets or roads.

Minimal new traffic will be associated with this use and is well within the level of service range for the road segment.

7. Will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance.

The proposed use will not negatively impact natural, scenic or historic features as no new construction is anticipated.

Planning Commission Action

The Planning Commission voted unanimously to recommend the following action in two motions:

FIRST, the rezoning. The following motion passed unanimously.

For reason of public necessity, convenience, general welfare, and good zoning practice, the Appomattox County Planning Commission moves to recommend approval of the rezoning petition RZ16-0507 Lawson Family LLC (owner), Innovatio Sealing Technologies (applicant) from M-1, Industrial to B-1, General Commercial, as submitted.

THEN, the Planning Commission unanimously recommended the Conditional Use Permit:

For reason of public necessity, convenience, general welfare, and good zoning practice, the Appomattox County Planning Commission moves to recommend approval of the conditional use permit (CUP16-0511) Lawson Family LLC (owner), Innovatio Sealing Technologies (applicant) with one condition:

1. The property will be developed in substantial compliance with the sketch plan submitted with the petition August 31, 2016.

Board of Supervisors Action:

An ordinance has been prepared based on the Planning Commission recommendation to rezone the property from M-1 to B-1 and a resolution has been prepared to approve the CUP in accordance with the Planning Commission's recommendation.

Appomattox County

Department of Community Development
 153A Morton Lane
 P.O. Box 863
 Appomattox, VA 24522
 (434) 352-8183~Fax (434) 352-4214
www.appomattoxcountyva.gov

**Development Application**

<input checked="" type="checkbox"/> Conditional Use Permit	<input checked="" type="checkbox"/> Rezoning	<input type="checkbox"/> Conditional Rezoning	<input type="checkbox"/> Rezoning & Conditional Use Permit
--	--	---	--

General Information:

Conditional uses are established in recognition that in addition to uses permitted by right, certain uses may, depending upon their scale, design, location, and conditions imposed by the Board of Supervisors be compatible with existing and future uses in a district.

From time to time, the Board of Supervisors may, by ordinance, amend, supplement, or change the regulations in the Appomattox County Zoning Ordinance, district boundaries, or zoning classification of property (rezoning).

Either of these methods of land use management may be initiated by:

1. Resolution of the Board of Supervisors;
2. Motion of the Planning Commission;
3. Petition of the owner, contract purchaser with written owner's consent, or the owner's agent of the property for which the change is requested.

Application Procedure:

- **Consultation with Planning Staff:** You are required to meet with County staff to discuss the feasibility of your request prior to submission.
- **Planning Commission:** The Planning Commission will hold a public hearing and review the application in order to make a recommendation to the Board of Supervisors.
- **Board of Supervisors:** The Board of Supervisors will hold a public hearing and review the application in order to make a decision on the request. In the case of a conditional use permit, the Board may attach any conditions necessary to insure that the proposal meets the specific and general standards for the proposed use.

Please make sure the following items are included BEFORE submitting:

- **Application Fee:** Conditional Use Permit= \$200.00 Rezoning= \$300.00 (checks made payable to Appomattox County).
- **Concept Plan:** A concept plan (minimum 8.5" X 11") is required. It is preferable that this be prepared by a professional engineer, architect, or surveyor. The plan shall contain at a minimum what is required of a site development plan as listed in the Zoning Ordinance and address any potential land uses or design issues arising from the request. It is the responsibility of the applicant to demonstrate that the proposed use will be in harmony with the zoning district and surrounding area. If the proposed development is to be constructed in phases, all phases shall be shown at the time of the original application.



Appomattox County

Please print in blue or black ink or typewrite. If not applicable, write N/A.

APPLICATION INFORMATION

Note: If the applicant is not the property owner, then an owner's authority letter must be submitted with the application.

Applicant Name: Innovatio Sealing Technologies

Address: 191 Police Tower Rd, Appomattox, VA 24522

Phone: (434) 664-2050 **email:** jasonbrown@innovatioseals.com

Property Owner Name: Lawson Family LLC

Address: PO Box 309, Appomattox, VA 24522

Phone: (434) 664-7239 **email:** n/a

Authorized Agent/Contact Person: Fred Lawson

Address: PO Box 309, Appomattox, VA 24522

Phone: (434) 664-7239 **email:** n/a

Project Information

Location/Address of Property (from County Administration office):

191 Police Tower Rd, Appomattox, VA 24522

Tax Map Number(s): 63 A 11

Election District: 2

Size of Parcel(s): 5.83

Amount of area to be utilized by proposed use: 5.83

Current Zoning: M-1

Current Land Use: Commercial/Industrial

Proposed Zoning: B-1 with CUP

Proposed Land Use: Commercial w/ CUP

Please describe the proposed project or purpose of the request:

We would like to rezone the property to B-1 to allow commercial activities, specifically allow the Use as used automobile dealership.

Additionally we would like to maintain the existing use of the property which is currently under M-1 - selling automotive seals and gaskets, but would operate under new CUP for the property to protect current use and also allow for light manufacturing of same product if needed.

Proffers: The applicant may proffer in writing reasonable conditions in addition to the requested zoning district regulations. All proffered conditions must be in writing, signed and presented prior to the start of the Board of Supervisor's public hearing. **Are proffers proposed?** ☐ YES ☒ NO (If yes, please submit proffer statement to staff.)

Cornerstone Christian Academy

P1

460 Flea market

TO Cornerstone

P12

P1

Brant

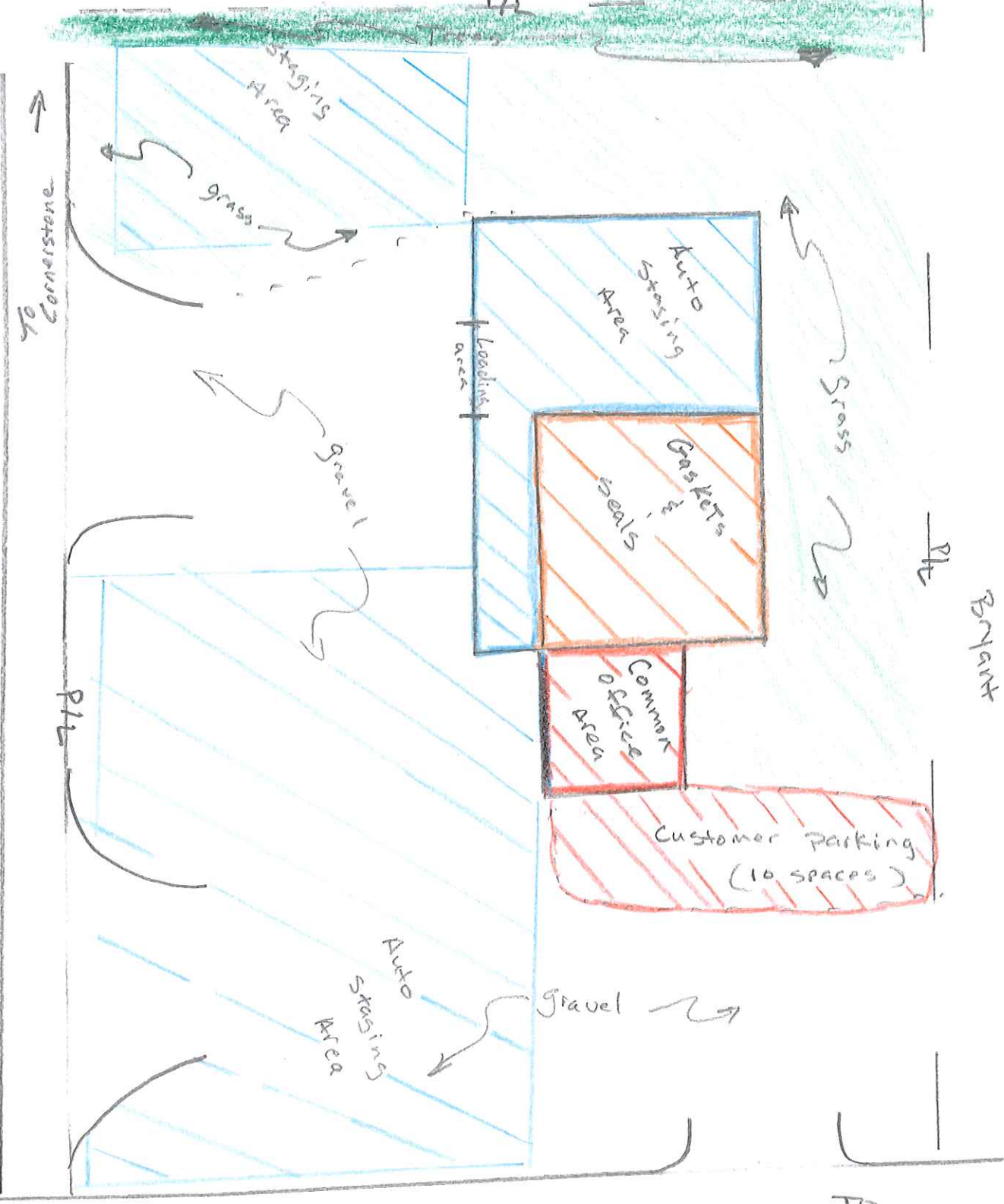
TO state Police

TO Rt. 460

191 Police Tower Road
Innovative Seals & Gaskets
OTS - Sketch

Courtland Realty LLC

Virginia State Police



Innovatio Rezoning/CUP

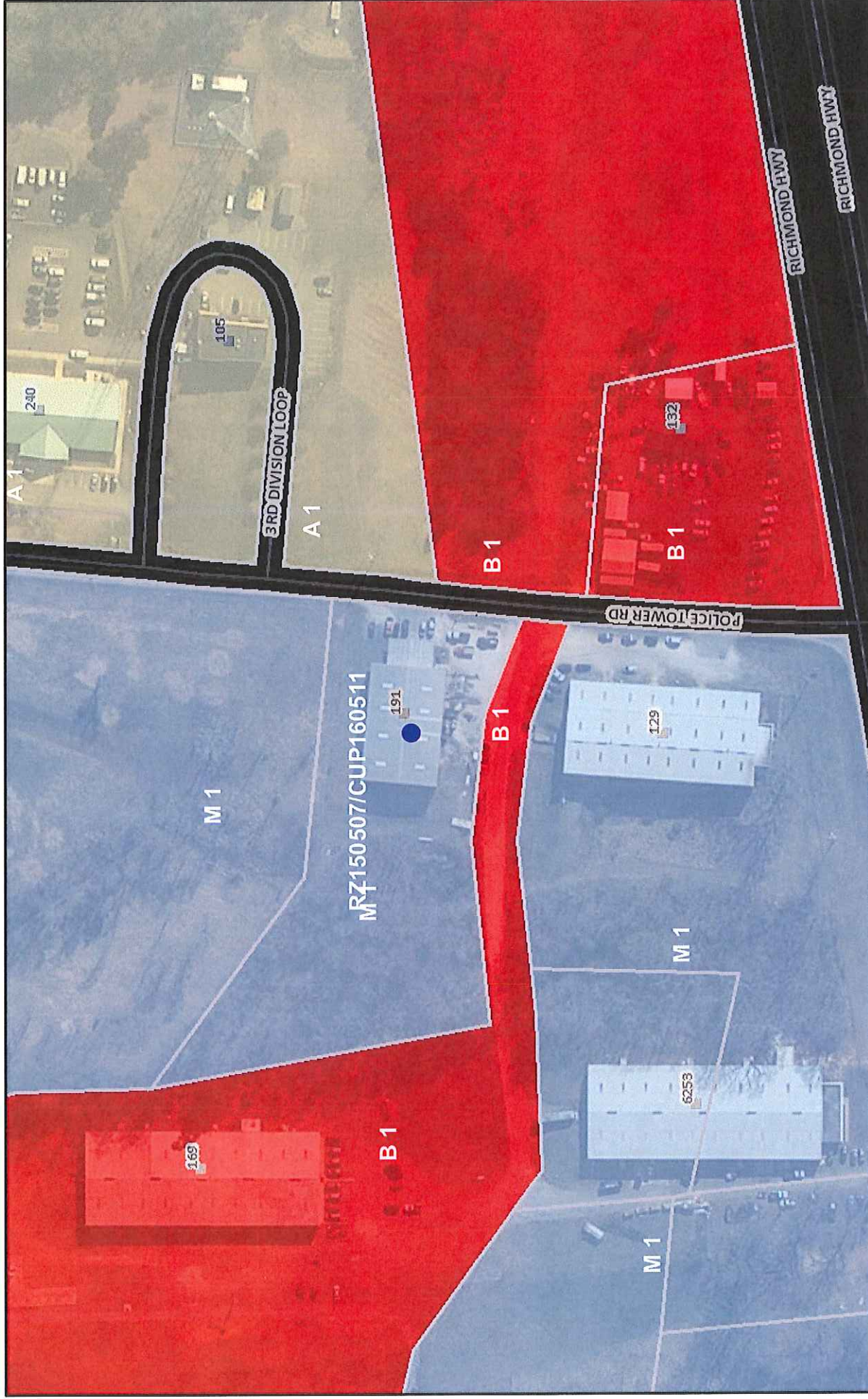


August 31, 2016

Parcels

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and

RZ160507/CUP160511 Zoning



September 6, 2016

pointLayer

● Override 1

Parcels

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Geomapping, Aerogrid, IGN, IGP, swisstopo, and